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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|---|-------------|----------------------|---------------------------------|-----------------------------|
| 10/569,227  | 02/23/2006  | Ryohei Yasuda        | 286220US6PCT                    | 9434                        |
| 22850 7590 10/19/2007<br>OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | EXAMINER<br>QUADER, FAZLUL      |                             |
|   |             |                      | ART UNIT<br>2169                | PAPER NUMBER                |
|   |             |                      | NOTIFICATION DATE<br>10/19/2007 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/569,227

Applicant(s)

YASUDA, RYOHEI

Examiner

Fazlul Quader

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s). (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/17/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-8 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (US 7117253), hereinafter "Nakayama" in view of Muraoka (US 20050034150).

4. As to claim 1, Nakayama discloses, a content acquisition method (col. 1, lines 20-29) comprising:

a request information transmission step of transmitting request information to an external section in response to a request for content data (abs. lines 4-6), said request information requesting address information of a plurality of content provision apparatus capable of providing said content data (col. 4, lines 32-41),

Art Unit: 2169

an information reception step of receiving from said external section said address information of said plurality of content provision apparatus capable of providing said content data, and said data size information of said content data, after transmitting said request information (col. 5, lines 16-25); a division position determination step of determining division start positions and division end positions specifying division parts of said content data to request said content data in divided form from said plurality of content provision apparatus, based on the number of pieces of said address information and said data size information received by said information reception step (col. 4, lines 16-24);

a division part request information transmission step of transmitting division part request information including content identification information of said content data, and said division start positions and division end positions of said division parts of said content data, such that each said division part is requested from different said content provision apparatus (col. 4, lines 16-24);

a division part reception step of receiving said division parts from said plurality of content provision apparatus after transmitting said division part request information (col. 4, lines 16-24);

a temporarily storing step of temporarily storing said division parts received by said division part reception step (col. 9, lines 31-42); and

a data restoring step of combining said division parts temporarily stored by said temporarily storing step to restore said content data (col. 9, lines 31-42, reproducing streaming contents);

Nakayama, however, does not explicitly disclose, "data size information of said content data";

Muraoka, on the other hand, discloses, "data size information of said content data" ([0062]).

Both Nakayama and Muraoka are of the same field of endeavor, they specifically teach content acquisition (Nakayama: col. 1, lines 20-29; Muraoka: [0065]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Muraoka into Nakayama of information management system, that would have allowed users of Nakayama to have an useful method, that are suitable for application to the case of distributing content data such as video programs. (Muraoka: [0002], lines 2-4).

5. As to claim 2, Nakayama as modified discloses, the content acquisition

Art Unit: 2169

method according to claim 1, further comprising: a measurement step of measuring a reception completion period of time for each said content provision apparatus, said reception completion period of time representing a period between transmission of said division part request information and reception of said division parts from each said content provision apparatus (abs. lines 1-2; col. 11, lines 61-64);

a reception stop step of stopping to receive said division part from said content provision apparatus when said division part has not been received yet from said content provision apparatus at a time a certain period of time has passed since the start of measuring said reception completion period of time (col. 11, lines 50-57; col. 12, lines 12-24);

and a division part request apparatus switch step of switching from said content provision apparatus from which said reception stop step stopped halfway to receive said division part to different said content provision apparatus to request said division part therefrom (col. 12, lines 42-50; col. 12, lines 50-59).

6. As to claim 3, Nakayama as modified discloses, the content acquisition method according to claim 2, further comprising: a reception status update step of sequentially updating a reception end position of each said division part as reception status, while receiving said division parts from said plurality of content provision apparatus (col. 4, lines 16-24); and

a reception remnant part request information transmission step of transmitting reception remnant part request information to the content provision apparatus different from said content provision apparatus from which said reception stop step stopped halfway to receive said division part to request a reception remnant part which is a part of said division part not received completely (col. 12, lines 42-50), said reception remnant part request information including said content identification information, and said reception end position and division end position of said division part not received completely (col. 12, lines 42-50; col. 12, lines 50-59)..

7. As to claim 4, Nakayama discloses, a content acquisition apparatus comprising: request information transmission means for transmitting request information to an external section in response to a request for content data, said request information requesting address information of a plurality of content provision apparatus capable of providing said content data, and data size information of said content data;

information reception means for receiving from said external section said address information of said plurality of content provision apparatus capable of providing said content data, and said data size information of said content data, after said request information transmission means transmits said request information;

division position determination means for determining division start positions and division end positions specifying division parts of said content data (abs. lines 4-6), to request said content data in divided form from said plurality of content provision apparatus, based on the number of pieces of said address information (col. 4, lines 32-41);

division part request information transmission means for transmitting division part request information including content identification information of said content data, and said division start positions and division end positions of said division parts of said content data, such that each said division part is requested from different said content provision apparatus; division part reception means for receiving said division parts from said plurality of content provision apparatus after said division part request information transmission means transmits said division part request information (col. 4, lines 16-24);

temporarily storing means for temporarily storing said division parts received by said division part reception means (col. 9, lines 31-42); and

data restoring means for combining said division parts temporarily stored by said temporarily storing means to restore said content data (col. 9, lines 31-42, reproducing streaming contents);

Art Unit: 2169

Nakayama, however, does not explicitly disclose, "data size information of said content data";

Muraoka, on the other hand, discloses, "data size information of said content data" ([0062]).

Both Nakayama and Muraoka are of the same field of endeavor, they specifically teach content acquisition (Nakayama: col. 1, lines 20-29; Muraoka: [0065]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Muraoka into Nakayama of information management system, that would have allowed users of Nakayama to have an useful method, that are suitable for application to the case of distributing content data such as video programs. (Muraoka: [0002], lines 2-4).

8. As to claim 5, Nakayama as modified discloses, the content acquisition apparatus according to claim 4, further comprising:

measurement means for measuring a reception completion period of time for each said content provision apparatus, said reception completion period of

Art Unit: 2169

time representing a period between transmission of said division part request information and reception of said division parts from each said content provision apparatus (abs. lines 1-2; col. 11, lines 61-64; col. 11, lines 50-57; col. 12, lines 12-24);

reception stop means for stopping to receive said division part from said content provision apparatus when said division part has not been received yet from said content provision apparatus at a time a certain period of time has passed since the start of measuring said reception completion period of time (col. 11, lines 50-57; col. 12, lines 12-24); and

division part request apparatus switch means for switching from said content provision apparatus from which said reception stop means stopped halfway to receive said division part to different said content provision apparatus to request said division part therefrom (col. 12, lines 42-50; col. 12, lines 50-59).

9. As to claim 6, Nakayama as modified discloses, the content acquisition apparatus according to claim 5, further comprising: a reception status update means for sequentially updating a reception end position of each said division part as reception status, while receiving said division parts from said plurality of content provision apparatus (col. 4, lines 16-24); and

a reception remnant part request information transmission means for transmitting reception remnant part request information to the content provision apparatus different from said content provision apparatus from which said reception stop means stopped halfway to receive said division part to request a reception remnant part which is a part of said division part not received completely (col. 12, lines 42-50), said reception remnant part request information including said content identification information, and said reception end position and division end position of said division part not received completely (col. 12, lines 42-50; col. 12, lines 50-59).

10. As to claim 7, Nakayama discloses, a content acquisition program (col. 1, lines 20-29) for causing information processing apparatus to execute: a request information transmission step of transmitting request information to an external section in response to a request for content data (abs. lines 4-6), said request information requesting address information of a plurality of content provision apparatus capable of providing said content data (col. 5, lines 16-25);

an information reception step of receiving from said external section said address information of said plurality of content provision apparatus capable of providing said content data, and said data size information of said content data, after transmitting said request information (col. 5, lines 16-25);

Art Unit: 2169

a division position determination step of determining division start positions and division end positions specifying division parts of said content data to request said content data in divided form from said plurality of content provision apparatus, based on the number of pieces of said address information and said data size information received by said information reception step (col. 4, lines 16-24);

a division part request information transmission step of transmitting division part request information including content identification information of said content data, and said division start positions and division end positions of said division parts of said content data, such that each said division part is requested from different said content provision apparatus (col. 4, lines 16-24);

a division part reception step of receiving said division parts from said plurality of content provision apparatus after transmitting said division part request information (col. 4, lines 16-24);

a temporarily storing step of temporarily storing said division parts received by said division part reception step (col. 9, lines 31-42); and

a data restoring step of combining said division parts temporarily stored by said temporarily storing step to restore said content data (col. 9, lines 31-42, reproducing streaming contents).

Nakayama, however, does not explicitly disclose, "data size information of said content data";

Muraoka, on the other hand, discloses, "data size information of said content data" ([0062]).

Both Nakayama and Muraoka are of the same field of endeavor, they specifically teach content acquisition (Nakayama: col. 1, lines 20-29; Muraoka: [0065]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Muraoka into Nakayama of information management system, that would have allowed users of Nakayama to have an useful method, that are suitable for application to the case of distributing content data such as video programs. (Muraoka: [0002], lines 2-4).

11. As to claim 8, Nakayama discloses, a content acquisition system (col. 1, lines 20-29) including a plurality of content provision apparatus providing content data and content acquisition apparatus acquiring said content data from said

Art Unit: 2169

plurality of content provision apparatus (col. 4, lines 32-41), the content acquisition system wherein:

said content acquisition apparatus includes: request information transmission means for transmitting request information to an external section in response to a request for said content data (abs. lines 4-6), said request information requesting address information of said plurality of content provision apparatus capable of providing said content data (col. 4, lines 32-41), and data size information of said content data;

information reception means for receiving from said external section said address information of said plurality of content provision apparatus capable of providing said content data, and said data size information of said content data, after said request information transmission means transmits said request information (col. 5, lines 16-25); division position determination means for determining division start positions and division end positions specifying division parts of said content data to request said content data in divided form from said plurality of content provision apparatus, based on the number of pieces of said address information and said data size information received by said information reception means (col. 4, lines 16-24);

division part request information transmission means for transmitting division part request information including content identification information of

Art Unit: 2169

said content data, and said division start positions and division end positions of said division parts of said content data (col. 4, lines 16-24), such that each said division part is requested from different said content provision apparatus; division part reception means for receiving said division parts from said plurality of content provision apparatus after said division part request information transmission means transmits said division part request information (col. 4, lines 16-24);

temporarily storing means for temporarily storing said division parts received by said division part reception means; and

data restoring means for combining said division parts temporarily stored by said temporarily storing means to restore said content data (col. 9, lines 31-42); and

said content provision apparatus includes:

division part request information reception means for receiving said division part request information from said content acquisition apparatus; division means for dividing said content data corresponding to said content identification information to extract said division part from between said division start position and division end position of said content data in response to said division part request information received by said division part request information reception

Art Unit: 2169

means, said content identification information, said division start position, and said division end position being shown in said division part request information (col. 4, lines 16-24); and

division part transmission means for transmitting to said content acquisition apparatus said division part divided from said content data by said division means (col. 4, lines 16-24).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Endo et al. (US 20050188018) teach information transmission/reception device

**Contact Information**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazlul Quader whose telephone number is 571-270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Fazlul Quader', is written over a horizontal line.

Fazlul Quader  
Examiner  
Art Unit 2169